

CALLAHAN EXHIBIT F

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
SUCR 071882

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COMMONWEALTH OF MASSACHUSETTS

-vs-

MOTION HEARING
DAY SIX

SHAWN DRUMGOLD

* * * * *

TRANSCRIPT OF PROCEEDINGS

BEFORE: ROUSE, J

August 6, 2003
Boston, Massachusetts

APPEARANCES:

DAVID MEIER, Esquire, Assistant District
Attorney, for the Commonwealth

ROSEMARY SCAPICCHIO, Esquire, for the Defendant

Mary M. Wrighton
Official Court Reporter

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1 that it was my obligation to give them full and
2 complete discovery and I tried to fulfill that
3 with the problem, if you didn't, the case would
4 be reversed and that would be kind of a silly
5 reason for a reversal and it would be on me. So
6 I was rather cautious about that.

7 Q Do you recall the trial of the [REDACTED] late
8 September and early October of [REDACTED]

9 A Just fragments of it. I remember [REDACTED] very last
10 of it best of all.

11 Q Do you have a recollection of [REDACTED] strike
12 that. Do you have a recollection of [REDACTED] certain
13 witnesses being called to testify on behalf of
14 the Commonwealth?

15 A I have a fairly good recollection of a lot of
16 missing witnesses to the point where most of the
17 people who testified in the grand jury weren't
18 around at the time of trial and my recollection
19 is, we practically had to re-investigate the case
20 and come up with some more witnesses and that was
21 done. And then at the time of trial some of the
22 new witnesses were amongst the missing and you
23 can draw whatever inference you want from that.
24 I drew my own inferences but to the point where,

1 as the case progressed to a conclusion, there was
2 almost a complete failure of proof to the extent
3 that Mr. Taylor's case was a directed verdict and
4 the only reason there wasn't a directed verdict
5 in this case was the testimony of Mary Alexander
6 which came as a complete surprise on the every
7 last day of trial.

8 Q Mr. Beauchesne, with respect to one of the
9 witnesses who did testify at trial, a gentleman
10 by the name of Ricky Evans, does that name mean
11 anything to you in terms of having your memory
12 refreshed or having reviewed various
13 correspondence and discovery requests and letters
14 back and forth between yourself and Mr. Rappaport
15 and Mr. George? Does that name, Ricky Evans, or
16 the testimony of Ricky Evans bear any
17 significance to you?

18 A Not at the present time.

19 Q Do you have any recollection of whether or not at
20 the time that he testified, Mr. Evans was staying
21 at the Howard Johnson's in South Boston?

22 A Well, from everything I've heard, I believe he
23 was but I don't really have a memory that he was
24 staying there, but -- I'll just say the record

1 appears that that's where he was staying, yes,
2 but I don't know that I recall it.

3 Q If you could do your best, just for purposes of
4 this hearing, as difficult as it might be to
5 divorce yourself or put aside what you may have
6 heard or read or seen in the last several days,
7 and, as best you can, if you can recall back to
8 the time of trial, are you able to tell Justice
9 Rouse anything about your knowledge or any
10 statements made to you by anybody, whether police
11 officers or other members of the District
12 Attorney's office, to the effect that Mr. Evans
13 was staying at a hotel at the time of trial? Do
14 you remember having any, in effect?

15 A I would have to say that before I came in for
16 this hearing, I had absolutely no memory of it.
17 I now have a little bit of a memory and I tried
18 to express it, the reason he was taken there was,
19 the safe house, I think the safe house wasn't
20 available and that's why they had to put him up
21 there. Ordinarily he would have been a lot safer
22 at our safe house. It's very -- it's way out of
23 the way. He wouldn't bump into anybody, no one
24 would see him, and he'd be much more protected

1 there. That was the most desirable solution at
2 that time.

3 Q Do you have any sense, based upon your memory
4 being refreshed over the last several days, as to
5 the approximate length of time, whether it was
6 days, weeks, or months, that Mr. Evans may have
7 stayed at a hotel?

8 A I have a rather dim sense that it probably was a
9 few months but I'm not sure.

10 Q And do you have any recollection either
11 independently or having memory refreshed because
12 of events in the last several days about whether
13 or not Mr. Evans' meals were paid for?

14 A I don't have a memory but I assume that if he was
15 being put up, his meals were provided. I assume,
16 I have some limited recollection, he wouldn't be
17 able to work, he wouldn't be able to go out in
18 the community and do whatever he did for a living
19 and survive, in my opinion, at that time, so you
20 would have had to feed him and house him and have
21 a police officer basically around at all times to
22 make sure he survived.

23 Q Independent or other than this particular
24 situation, this case and this particular witness,

1 could you describe for Her Honor generally the
2 procedure internally, as best you understand it
3 today, that is, within the District Attorney's
4 office at the time by which a witness such as Mr.
5 Evans would be housed somewhere other than his
6 usual residence?

7 A The case would be assigned to me, to an assistant
8 DA and I knew all of the members of the homicide
9 unit very well and most of them were very
10 experienced officers, very credible, I had
11 personal relationships with them, so when I had a
12 homicide officer come to me and say, look, this
13 guy is going to get hit, we believe that there is
14 a serious threat, I would act on it and I would
15 go to my superiors and basically say that,
16 Sergeant Hudson, for example, has said that there
17 is a serious threat and I believe him and we
18 should put this guy down on the island or the
19 family down on the island. Usually it would be
20 just the individual, it might be his mother, his
21 sister, it could be a female witness, but you'd
22 have to take care of the people to make sure that
23 they could do their duty as you want them to do
24 it and they survived, and it was no fooling, it

1 was the real McCoy.

2 Q Internally who would you go to and who would
3 approve such a relocation and who would authorize
4 the funds and pay for it?

5 A Normally I would, I might have discussed it with
6 whoever was running homicide at the time and they
7 may or may not have had the final say but
8 generally I would end up probably talking to the
9 first assistant district attorney himself because
10 it was a considerable expense and we didn't do it
11 lightly but when it was needed, it had to be
12 done.

13 Q Do you have any recollection of doing anything of
14 that sort with respect to Mr. Evans in this case?

15 A I don't have a recollection. I know I must have
16 done it, I believe I did it, but do I remember on
17 a particular day I spoke to a particular person?
18 I do not.

19 Q Do you recall, sir, that when you first were
20 assigned or received the case that two homicide
21 detectives by the names of Walsh and Murphy were
22 the individuals working the case?

23 A I know they, when -- I know they were on the
24 case. I don't know whether -- I think they were